

MINUTES OF THE VIGO COUNTY COUNCIL

May 15, 2007

Sheriff Jon Marvel called the meeting to order at 5:06 P.M.

Sheriff Jon Marvel led the Pledge of Allegiance.

Ms. Kylissa Miller, Chief Deputy Auditor, took roll call and all council members, with the exception of Mr. Mark Bird, were present.

The chair declared a quorum.

Mr. Bob Hellmann asked for corrections or a motion to approve the minutes of the council meeting on April 19, 2007. Mr. Darrick Scott made motion to adopt the minutes as published, Mr. Tim Curley seconds. All members present voting aye, the journal of the April 19, 2007 meeting has been adopted.

Public Comments. There were none.

Communication from elected officials of the County. There were none.

Communications from other officials or agencies. There were none.

Reports from standing Committees. There were none.

Reports from select committees. There were none.

Ordinances relating to appropriations.

Additional Appropriation Ordinance 2007-28. The Budget Adjustment Committee approved the ordinance. The Health Department is requesting an appropriation to improve the parking lot at the Vigo County Health Department Compound by installing two dry wells and paving it with asphalt and also adding landscaping. The original request was for less and to use white rock, however Councilman Brad Anderson pointed out a city ordinance requiring all commercial buildings should have asphalt parking lots. He also commended the Health Department on the condition of the building, very clean and well maintained. The Health Dept. is willing to do the landscaping themselves, and a sign will be added from the Parks Dept. to identify the building as property of Vigo County. Other repairs are needed such as guttering and other construction problems, but this should be addressed for the next budget. Mr. Anderson made motion to amend the ordinance to reduce the original requested amount of \$50,000 to \$42,000, allowing approximately \$4,000 for landscaping.

Additional Appropriation Ordinance 2007-29. The Budget Adjustment Committee approved the ordinance. The Ordinance is regarding appropriating previously received grant monies that are now needed in Contractual Services within the Alcohol and Drug Fund.

Additional Appropriation Ordinance 2007-30. The Budget Adjustment Committee approved the ordinance. George Needham, Director of Vigo County Air Pollution, is requesting additional funds appropriated to Liability Insurance due to and increase of the premium amount.

Additional Appropriation Ordinance 2007-31. The Budget Adjustment Committee approved the ordinance. Sheriff Jon Marvel is requesting an additional appropriation of \$15,000 for payroll for overtime due to unexpected inmate issues. Inmates have had extended stays in the hospital, which has depleted the overtime funds.

Additional Appropriation Ordinance 2007-32. The Personnel Committee approved the ordinance. This ordinance is regarding the option chosen by the committee to handle the situation with the employee from the Recorder's office involved in the lawsuit. The committee feels it is best to take the money from the General Fund until the situation is rectified. There is no salary increase involved; it is just a matter of paying the salary from the correct fund.

Additional Appropriation Ordinance 2007-33. The Personnel Committee approved the ordinance. Mr. David Patterson, Director of Convention and Tourism explained a misunderstanding pertaining to his budget. It was his understanding that a new position was added to his 2007 budget, which was approved by the Council. However, a motion was later made by the Council not to hire any new employees in 2007 within the General Fund. At this time the new position, previously approved for Convention and Tourism, was mistakenly omitted from their budget. Therefore, Mr. Patterson requested the position be added back to his budget. Mr. Brad Anderson clarified that the position will be paid from the Convention and Tourism Fund. Mr. Tim Curley also clarified that the ordinance is retroactive to April 16, 2007.

Additional Appropriation Ordinance 2007-34. The Special Projects Committee approved the ordinance. The ordinance involves the improvements for the Boral Brick Road, which is part of the commitment made to Boral Brick when they decided to locate in Vigo County. The appropriation is available from the Major Moves distribution from the State.

Additional Appropriation Ordinance 2007-35. The Special Projects Committee approved the ordinance. This ordinance relates to the Courthouse Renovation. Jerimi Ullom with Barnes & Thornburg, Attorneys at Law, explained the ordinance also involves Resolution 2007-5. This includes two objectives for the county. First, the completion of the ongoing Courthouse project. In 2004, bonds were issued to fund the project. The maximum amount of the bond was not issued, even though it was authorized. Now, in 2007, to complete the project, it is being requested to issue the

2007A bonds under the approvals of the previous bonds that are already in place by amending the existing lease to increase the lease rental payments in accordance with the prior approvals and in accordance with final order issued by the DLGF in 2004; that allowed the Vigo County Building Corporation to issue additional bonds to complete the project.

Second, in 2000 the County issued Obligation Bonds to fund improvements to the Jail. There is an opportunity to refund the 2000 Bonds at a lower interest rate than what was issued; this is done much like refinancing any other debt. In addition, it is being proposed to issue Series 2007 B Bonds by the Building Corporation to provide funds to pay off the 2000 Bonds. This does not generate any new money for the project; it is just refunding the prior debt to save the County money.

2007 A Bond, the portion to complete the Courthouse project in Resolution 2007-4 and -5 go hand-in-hand with this transaction, which is authorizing the maximum principle amount of \$2,265,000, which will provide funds to finish the Courthouse and reimburse the County for other funds the County has expended on the Courthouse project. This is the maximum amount to be approved, it does not obligate the County to issue that much.

At this time, the Chair excused himself and passed the gavel to Mr. Darrick Scott.

Mr. Brad Anderson clarified the amount of \$1,365,000 as being what the County is going to reimburse itself, which is a possibility. This money will go into the Cumulative Capital Development Fund according to Mr. James Bramble, Vigo County Auditor. The intent is to use the money for funding necessary renovations on the old part of the Jail.

Resolution 2007-4. Authorizing the refunding of certain bonds of the county and determining the need to enter into a first amendment to amended and restated lease agreement. This was explained with Additional Appropriation 20047-35. The resolution is to receive approval from the Council so that when the market is favorable, the new bond will be issued. It is anticipated that the closing on the new Courthouse portion will be ready in mid-July and if rates are such, both transactions will be done in one transaction because it will save the County money and it is more efficient. If the rates are not favorable during that time, they will be monitored and the transaction will be done when the County will earn at least a three percent savings.

Resolution 2007-5. Appropriating proceeds of bonds to be issued by the Vigo County Building Corporation. This was explained with Additional Appropriation 2007-35.

Councilman Darrick Scott requested a five-minute break.

Councilman Darrick Scott called the meeting back to order.

Salary Ordinance 2007-16. The Personnel Committee approved the ordinance. The ordinance relates to Additional Appropriation 2007-32, which was approved. It involves the employee moving from the Recorder's office to the Juvenile Center.

Salary Ordinance 2007-17. The Personnel Committee approved the ordinance. This ordinance relates to Additional Appropriation 2007-33, which was approved. It involves a new position in the Convention and Tourism Fund that was mistakenly removed from the original budget.

Resolution 2007-2 (Finalized). Designating an area within Vigo County as an Economic Revitalization Area for the purpose of Ten Year Personal Property Abatement. The preliminary resolution pertaining to Pfizer was passed during the April 19, 2007 Council meeting. This resolution is the request for the finalized resolution.

Resolution 2007-3 (Finalized). Designating an area within Vigo County as an Economic Revitalization Area for the purpose of Ten Year Real Property Abatement. The preliminary resolution pertaining to Pfizer was passed during the April 19, 2007 Council meeting. This resolution is the request for the finalized resolution.

Resolution 2007-6. Mr. Louis Britton explained a proposition by Garmon Development Co., LLC to build another Spec building in the Industrial Park. The incentive package developed for the first spec building is not related to this building, the only incentive Garmon is hoping to obtain, in order to do this project, is the abatement itself.

Mr. James Bramble, Vigo County Auditor gave a presentation on the tax rates. The Auditor's office has received the preliminary tax rates, which should be finalized in the next week to ten days. Mr. Bramble showed the percentage change in the tax rates from 2006, the tax rate in comparison to 2006 in the Harrison Township units, where property taxes are distributed and the percentages that go to each unit, and the expenditure percentages throughout the Vigo County units.

Mr. Rowdy Williams, County Council Attorney, presented information regarding House Enrolled Act No. 1478, which involves the Circuit Breaker, and what the State has done to help relieve the county.

The Circuit Breaker cap remained at two percent, beginning in 2008 for qualified residential properties. One of the major changes was that it delayed the cap of three percent for properties other than residential. Mr. Williams went into further detail, however, it is inaudible on the audiotape.

Mr. Bramble commented that taking out other residential property and only applying it to homesteads, he feels that in 2008 there will not be a material affect on the county's revenue based on this credit. Once the tax rates are confirmed, he will run the numbers again to confirm this.

Mr. Williams pointed out that the burden is put on and authorizes the county to raise taxes, but CAGIT can be raised. The maximum growth rate is one percent, however fifty

percent of that increase must go into a revenue stabilization fund to offset any shortfalls, therefore it cannot all be used initially.

The Homestead Exemption will remain at \$45,000 for taxes payable in 2008, and then it will decline \$1,000 per year until it reaches \$40,000. Another change includes a nine member Capital Projects Board that has been created. Any capital improvements over \$7,000,000 must go through this board. There will be two elected office holders elected through the county election. The county Auditor will also serve on the board; however can only vote as a tiebreaker. If the Council would like to proceed on a project, even though a negative vote was received from the Review Board, there is a procedure to override the rejection.

Mr. Darrick Scott asked if there was any mention of an increased level for relief for the public safety division such as the fire departments. The Council has been restricted in helping the public safety sector because of the two percent circuit breaker. There had been talk that something would be changed in order to help the public safety sector. Mr. Williams thought there was something mentioned in the Act, however he will do research to verify the information. Mr. Bramble stated there is a Local Option Income Tax can be used to establish a Public Safety Income Tax at a rate of .25%. There are two options, one, the county can do an additional CAGIT rate, or a replacement portion of levy growth up to one percent or property tax relief in the form of property tax replacement credits, homestead credits, general property tax replacement relief for all taxpayers up to one percent. Public safety expenditures include fire and police pension funds up to 2.5% break. That is only permitted if the tax rate is also adopted for property tax relief and or levy growth. The first two must be adopted to get the third one; for the levy replacement portion, a determination must be made once every two years how the County will collect the three to four percent levy growth, which is the natural levy increase. It must be determined whether it will come from property tax or income tax. The property tax can be up to one percent, however, the Department of Local Finance determines the rate.

Mr. Bramble pointed out a law was passed against Serial Meetings. Not more than three, members of public groups such as Councils, cannot meet at any one time to discuss items on the agenda to reach a consensus on what the decision will be for an upcoming public meeting.

Honorary Resolution. There were none.

Resolutions relating to fiscal policies of the Council. There were none.

First reading by summary reference of proposed ordinances and resolutions.

Councilman Darrick Scott assigned Request of Council for the June 19, 2007 meeting to committee for further review.

Appointments. There were none. Mr. Tim Curley announced the Alcohol and Beverage Commission one-year appointment for 2007 will be Mr. Steve Price; Park and Recreation Board, four-year term, Mr. John Daniels has been reappointed; Community Corrections

Board, should be the Council President or his designee, Mr. Hellmann requested Mr. Tim Curley be appointed. Other committees to be filled will be addressed at the June meeting. If there are any requests, please contact Mr. Curley before the next meeting.

Adjournment. Mr. Brad Anderson made motion to adjourn the meeting. Mr. Mike Morris seconds the motion. Meeting is adjourned at 6:10 P.M.

MOTIONS

May 15, 2007

Minutes – April 19, 2007. Mr. Darrick Scott moves to adopt the minutes as published. Mr. Tim Curley seconds. All members present voting aye, the journal of the April 19, 2007 meeting has been adopted.

Amendment of Additional Appropriation 2007-28. Mr. Brad Anderson made motion to amend the Ordinance. Mr. Darrick Scott seconds, all members present voting aye.

Additional Appropriation 2007-28. Mr. Darrick Scott made motion to adopt the amended ordinance. Mr. Brad Anderson seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, motion passes, ordinance is adopted as amended.

Additional Appropriation Ordinance 2007-29. Mr. Brad Anderson made motion to adopt the ordinance. Mr. Darrick Scott seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, motion passes, ordinance is adopted.

Additional Appropriation Ordinance 2007-30. Mr. Darrick Scott made motion to adopt the ordinance. Mr. Tim Curley seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, motion passes, ordinance is adopted.

Additional Appropriation Ordinance 2007-31. Mr. Brad Anderson made motion to adopt the ordinance. Ms. Kathy Miller seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, motion passes, ordinance is adopted.

Additional Appropriation Ordinance 2007-32. Mr. Darrick Scott made motion to adopt the ordinance. Mr. Brad Anderson seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, motion passes, ordinance is adopted.

Additional Appropriation Ordinance 2007-33. Mr. Darrick Scott made motion to adopt the ordinance. Mr. Brad Anderson seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, motion passes, ordinance is adopted.

Additional Appropriation Ordinance 2007-34. Mr. Darrick Scott made motion to adopt the ordinance. Mr. Mike Morris seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, motion passes, ordinance is adopted.

Additional Appropriation Ordinance 2007-35. Ms. Kathy Miller made motion to adopt the ordinance. Mr. Mike Morris seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, motion passes, ordinance is adopted.

Resolution 2007-4. Mr. Brad Anderson made motion to adopt the resolution. Ms. Kathy Miller seconds the motion. Mr. James Bramble, Vigo County Auditor, took roll call. All members present voting aye, motion passes, resolution is adopted.

Resolution 2007-5. Mr. Brad Anderson made motion to adopt the resolution. Mr. Tim Curley seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, motion passes, resolution is adopted.

Salary Ordinance 2007-16. Mr. Tim Curley made motion to adopt the ordinance. Mr. Mike Morris seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, motion passes, ordinance is adopted.

Salary Ordinance 2007-17. Mr. Tim Curley made motion to adopt the ordinance. Mr. Brad Anderson seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, motion passes, ordinance is adopted.

Resolution 2007-2. (Finalized) Mr. Tim Curley made motion to adopt the resolution. Ms. Kathy Miller seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, the motion is adopted.

Resolution 2007-3. (Finalized) Mr. Tim Curley made motion to adopt the resolution. Ms. Kathy Miller seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, the motion is adopted.

Resolution 2007-6. Mr. Mike Morris made motion for approval of the resolution to go to the Special Projects Committee. Mr. Brad Anderson seconds the motion. Ms. Kylissa Miller, Chief Deputy Auditor, took roll call. All members present voting aye, the motion is approved.

Adjournment. Mr. Brad Anderson made motion to adjourn the meeting. Mr. Mike Morris seconds the motion.